

TESTIMONY OF
GOVERNOR GARY LOCKE,
STATE OF WASHINGTON

May 11, 2000

I appreciate the opportunity to provide testimony on the critical topic of pipeline safety. As you know, the tragedy in Bellingham, Washington has focused tremendous public attention on the need to ensure that pipeline safety laws, regulations and practices at the state, federal and local levels are as effective as they can be. Washington communities, government agencies, and others involved in gas and hazardous liquid transportation have made pipeline safety one of their highest priorities.

I am pleased that the Senate Committee on Commerce, Science, and Transportation is holding this hearing on reauthorization of the Pipeline Safety Act. I hope this effort will result not only in a new law to increase pipeline safety, but will also ensure strong, thorough and consistent enforcement of pipeline safety requirements.

I also want to thank the Committee for holding a field hearing in Bellingham in March. Some members heard direct testimony from the families and the community on the devastating effect of last summer's pipeline tragedy. They also heard about our state's commitment to a strong and effective pipeline safety program. That commitment has been underscored by new state legislation on pipeline safety. Now we are seeking a stronger federal partnership to protect our citizens and those across the nation.

I believe any pipeline safety bill that is passed must incorporate, at a minimum, the following five fundamental principles:

- **Increased state role in regulation.** A critical component of any effort to improve pipeline safety is the strengthening of states' ability to oversee pipeline operator activities and compliance. Many states, including Washington, are eager to participate in a full partnership with the Office of Pipeline

Safety (OPS). As effective partners, states need the authority to develop and impose standards that may be more stringent than federal standards without interfering with interstate commerce. They also need the authority to inspect operations and to enforce federal and state standards. Specifically, each state must have the authority to work directly with all pipeline operators in the state. That authority needs to be supported by the free flow of data regarding pipeline operations between OPS and its state partners.

- **High standards.** I urge you to adopt a bill that will require state-of-the-art safety standards for the construction, testing, operation, and maintenance of pipelines. In addition, standards need to be toughened for prompt public reporting of spills and leaks. We would also like to see increased standards for certifying pipeline operators.
- **Effective oversight and enforcement of the federal program.** The bill you pass should include an effective and independent mechanism for oversight of the federal government's activities related to pipeline safety. An effective pipeline safety program requires that the federal regulatory body be held accountable for any shortcomings in its activities. For example, "risk management" or "integrity assessment" plans could be a valuable means for the industry to develop standards and practices to ensure pipeline safety. But they will fulfill this promise only if OPS exercises its independent judgment that the substance of the plans, not just the process of developing them, advances public safety. While the main burden here falls on OPS, I believe that Congress will need to continue active oversight of that agency's pipeline safety activities to ensure that the program goals are being met.
- **Communities' right to know.** Another important aspect of any new legislation is strengthening communities' access to information about the pipelines located beneath them. Both pipeline companies and their regulators should be required to provide education and outreach activities to those communities and their residents. Communities in Washington, for example, are eager to participate in activities ensuring safe excavation around pipes. Our recent state legislation directs that an improved mapping system be established so that pipelines can be clearly and easily located. We need a similar commitment from the federal government to make pipeline information more accessible.
- **Adequate funding.** Adequate funding is essential for the success of a pipeline safety program. Sufficient federal funding is required for better federal regulation for increased state involvement and enforcement in pipeline safety efforts, and for a greatly expanded program of research and development on technology improvements, such as internal inspections for small diameter pipes and distribution systems.

At the National Governors' Association Winter 2000 meeting, I sponsored, and NGA adopted, a policy on Improved Pipeline Safety, specifically identifying five recommendations for the reauthorization of the Pipeline Safety Act. Those recommendations include requirements for:

- increased state authority,
- Congressional oversight,
- more effective rules,
- appropriate funding, and
- intergovernmental cooperation.

I urge you to consider these NGA recommendations as you work to adopt a pipeline safety bill; a copy is attached to this testimony.

Thank you for the opportunity to comment on this very important issue. I look forward to working with your committee in the next few weeks. Together, I hope we can ensure passage of an effective pipeline safety bill that will give the people and the environment of this country the protection they need and deserve.